

1		<u>I</u>	<u>N</u>	<u>D</u>	<u>E</u>	<u>X</u>	
2					Re-	Re-	By
3	<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>dir.</u>	<u>crx.</u>		<u>Examiner</u>
4	NONE						
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10		<u>E</u>	<u>X</u>	<u>H</u>	<u>I</u>	<u>B</u>	<u>I</u>
11	<u>Number</u>	<u>For</u>	<u>Identification</u>		<u>In</u>	<u>Evidence</u>	
12	NONE						
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1 JUDGE HAYNES: Pursuant to the direction of
2 the Illinois Commerce Commission, I now call
3 Docket 06-0731. This is the complaint of
4 Mr. Submarine versus Peoples Gas Light and Coke
5 Company and U.S. Energy.

6 May I have the appearances for the
7 record, please.

8 MR. MIZYED: Awadallah Mizyed, 2900 West 63rd
9 Street, Chicago, Illinois 60629.

10 MR. McMANAMAN: Martin McManaman, Lowis &
11 Gellen, LLP, 200 West Adams, Suite 1900, Chicago,
12 Illinois 60606. The phone number is 312-364-2507.

13 JUDGE HAYNES: Okay. We're here today on a
14 status.

15 And I think the first thing we'll talk
16 about is the stipulation and settlement that the
17 Complainant has signed with People Gas Light and
18 Coke Company.

19 MR. MIZYED: I have it here.

20 JUDGE HAYNES: I've reviewed it.

21 Does U.S. Energy plan on making a
22 response to that?

1 MR. McMANAMAN: No, your Honor, we don't have
2 any written response and we don't have any
3 objection.

4 JUDGE HAYNES: Okay. I will be issuing a ruling
5 then on that motion.

6 I had a question for you, Mr. Mizyed.

7 On your complaint, what is the --
8 you're looking for reimbursement from September '06
9 to November '06, of all the money that you paid to
10 U.S. Energy during that time period?

11 MR. MIZYED: Yeah, because I believe that I
12 didn't sign a contract with them. I wasn't in the
13 States at that time. I left another person
14 responsible.

15 JUDGE HAYNES: Do you have -- do you know how
16 much that is?

17 MR. MIZYED: Not off the top of my head. But, I
18 believe, when I spoke to Mrs. Weatherall (phonetic),
19 she told me a round figure of 2100.

20 JUDGE HAYNES: Is that -- some of that Peoples
21 Gas?

22 MR. MIZYED: I believe -- I don't know -- when

1 we made the settlement, she told me that 2100
2 belongs to U.S. Energy.

3 JUDGE HAYNES: Okay. And you're currently
4 getting your gas service through Peoples Gas,
5 correct?

6 MR. MIZYED: Yes.

7 JUDGE HAYNES: And do you have an outstanding
8 balance with U.S. Energy?

9 Did you pay all the bills when you got
10 them?

11 MR. MIZYED: When I was getting them, yeah, but
12 when I started to question them and I went to
13 Illinois Commerce Commission, Mr. Franklin Johnson
14 had told me they were doing an investigation, don't
15 pay anything at that time. They're were going to do
16 an investigation, see exactly what was going on.
17 And from there, this is where we're at right now.

18 JUDGE HAYNES: Okay.

19 I think at this point I'm going to
20 allow the parties to stay in this room afterwards
21 and maybe you'll be able to work something out.
22 But, in the event you can't, I'm going to set out a

1 schedule for this proceeding.

2 And it sounds like the parties have
3 exchanged some documents. And, so, I'm not going to
4 set a formal discovery schedule, but if you think of
5 something that you need, contact the attorney and
6 get that done, obviously, before we go to
7 evidentiary hearing.

8 I know we've discussed this before,
9 but you need to retain an attorney.

10 MR. MIZYED: Well, I was going to do that, but
11 he spoke to me, I assumed that it was going to be
12 resolved, the way that I settled it with Peoples
13 Energy. He told me to come over here and he would
14 discuss it with me. So, I thought I didn't need an
15 attorney at that moment.

16 JUDGE HAYNES: If you want to continue with your
17 complaint you're going to have to --

18 MR. MIZYED: Yeah, I will get --

19 JUDGE HAYNES: -- get an attorney.

20 MR. MIZYED: Yeah, I was speaking to one during
21 the time after the hearing, I spoke to you and
22 Mr. Goldstein. I had four attorneys I was speaking

1 to. I just needed to know how I wanted to settle.
2 Mrs. Weatherall called me, talked to me, and we
3 discussed everything. She gave me a settlement, I
4 decided to take it and that was it.

5 JUDGE HAYNES: Okay. So, I think that about two
6 months for the evidentiary hearing. And, obviously,
7 if there's any problems exchanging documents or
8 anything, call me and we can pick a new date.

9 So, sometime the week of May 21st, May
10 24th?

11 MR. MIZYED: That's fine with me.

12 JUDGE HAYNES: Thursday.

13 MR. MIZYED: They're going to do construction on
14 my building. They're going to rebuild it and make a
15 new strip mall. It will be a new Mr. Submarine.

16 MR. McMANAMAN: May 24 is fine with me,
17 your Honor.

18 JUDGE HAYNES: Okay. Will 11:00 o'clock work?

19 MR. MIZYED: That's fine.

20 MR. McMANAMAN: That's a good time.

21 JUDGE HAYNES: May 24 at 11:00 a.m.

22 Is there anything else that the

1 parties can think of? Any questions?

2 MR. MIZYED: Not at this moment.

3 JUDGE HAYNES: Bring all your documents with you
4 that day, or if you're going to have any witnesses,
5 bring them with you that day.

6 There won't be an actual decision on
7 the day of the trial. I will issue a written
8 proposed order that you'll have an opportunity to
9 comment on. And after those comments are filed,
10 then, the order is sent to the Commissioners, and
11 the Commissioners actually enter the final order in
12 this proceeding.

13 MR. MIZYED: I might bring one of my -- the
14 manager that was working for me while I was away
15 taking care of personal things that I had to do, but
16 he would be with me at the next hearing, hopefully,
17 because he works right now at a bank.

18 JUDGE HAYNES: Okay. If you think he's going
19 to -- if you think he's important to your case, he
20 has to come that day, that's the day of the trial.

21 MR. MIZYED: Yeah, that's fine.

22 JUDGE HAYNES: With your attorney.

1 MR. MIZYED: Yeah, I'm going to bring him with
2 me, I hope.

3 JUDGE HAYNES: Okay. Anything else?

4 MR. MIZYED: No, that's it.

5 MR. McMANAMAN: That's it, your Honor.

6 JUDGE HAYNES: Then, we're continued until
7 May 24th at 11:00 a.m. for the evidentiary hearing.

8 Thank you.

9 MR. McMANAMAN: Thank you, your Honor.

10 (Whereupon, the above-entitled
11 matter was continued to
12 May 24, 2007.)

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